

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

KEN DAVIS,

Plaintiff,

V.

POWERSTOP LLC,

Defendant.

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Case No: 1:23-cv-07631

Honorable Judge Sharon J. Coleman

Magistrate Judge Beth W. Jantz

PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO DISMISS

Plaintiff, Ken Davis (“Plaintiff”), by and through the undersigned counsel, hereby submits this opposition to Defendant, Powerstop LLC’s Motion to Dismiss, and in support states as follows:

I. INTRODUCTION

On January 25, 2024, Plaintiff filed his four-count Amended Complaint with this Court against Defendant (Dkt. No. 28). Plaintiff’s claims arise under the Americans with Disabilities Act of 1990, as amended, (“ADA”) seeking redress for Defendant’s discrimination on the basis of Plaintiff’s disability, Defendant’s failure to accommodate Plaintiff’s disability, Defendant’s disability-based harassment, and Defendant’s retaliation against Plaintiff for engaging in protected activity under the ADA. Plaintiff also pleads claims under the Illinois common law claim of retaliatory discharge for Plaintiff’s engagement in protected activity under (820 ILCS 305/) Illinois Workers’ Compensation Act (“IWCA”).

Defendant filed a Motion to Dismiss in Part Plaintiff's Amended Complaint (Dkt. No. 29) on April 17, 2024 alleging that Plaintiff failed to state claims on two of the Plaintiff's four claims

on which relief can be granted.

For the reasons set forth the accompanying Memorandum of Law in Opposition of Defendant's Motion to Dismiss, Plaintiff respectfully requests the Court deny Defendant's Motion to Dismiss.

Dated this 8th day of May, 2024.

/s/ Chad W. Eisenback
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of May, 2024, a true and correct copy foregoing has been provided electronically via electronic mail and/or via U.S. mail to all parties of record.

/s/ Chad W. Eisenback
CHAD W. EISENBACK, ESQ.